IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 706 OF 2006

Ramrup Bhagwandas Gupta ...Applicant.

Vs.

State of Maharashtra ...Respondent.

Mr. A.M. Saraogi for the applicant.
Ms. Rajeshree M. Gadhvi, APP for the State.

ALONG WITH
CRIMINAL APPLICATION NO. 707 OF 2006

Ramrup Bhagwandas Gupta ...Applicant.

V/s

State of Maharashtra ...Respondent.

Mr. A.M. Saraogi for the applicant.
Ms. M.M. Deshmukh, APP for the State.

ALONG WITH
CRIMINAL APPLICATION NO. 708 OF 2006

Ramrup Bhagwandas Gupta ...Applicant.

V/s

State of Maharashtra ...Respondent.

Mr. A.M. Saraogi for the applicant.
Ms. M.M. Deshmukh, APP for the State.

CORAM: V.M. KANADE, J.

DATE: 6th March, 2006

P.C.

1. These three applications are being disposed of by this Common Order as the point involved in these application is similar.

2. Heard the learned Counsel for the applicant and the learned APP for the State.

3. It is alleged that the applicant is habitual receiver of the stolen property. The applicant was arrested in connection with C.R. No.425 of 2005, C.R. No.315 of 2005 and C.R. No.95 of 2005 respectively for the offence punishable under section 379, 414 read with section 34 of the Indian Penal Code. The applicant is in custody since last 55 days.

4. It is submitted by the learned APP for the State that the charge-sheet is likely to be filed within a week. The learned APP has filed an affidavit in reply in which it is stated that the applicant is arraigned as an accused in 13 cases as a person who has received stolen property.

5. The learned Counsel appearing for the applicant, on the other hand, submitted that the applicant has been named only by one person who was accused of theft

and robbery in several cases and each and every time the applicant has been named as receiver of the stolen property by the same accused. It is submitted that the fact that the applicant is a habitual criminal, receiving stolen property, is yet to be proved and no finding has been recorded in any particular case and, therefore, the provisions of section 413 are not attracted to the facts of the present case as of today.

6. There is some substance in the submissions made by the learned Counsel appearing on behalf of the applicant that though the applicant has been arraigned as an accused in 13 cases, it cannot be said that he is a habitual offender as provided under section 413 against whom all these cases are pending. Since the investigation is over, there is no point in keeping the applicant in custody indefinitely since the trial is not likely to begin for some time.

7. In these circumstances, the applicant be released on bail in the sum of Rs 5000/- in each of these applications with one or two sureties in the like amount. The applicant shall report to the Andheri Police Station once in a week till the filing of the charge-sheet and, thereafter, twice in a month. The

applicant shall furnish cash surety in these three applications and thereafter furnish sureties within four weeks.

8. Applications are disposed of accordingly.

V.M. KANADE, J.